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| 10/624,166 | 07/21/2003 | Harri Lakkala | KOLS.044PA | 6358 |
| 7590 Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425 | | 04/06/2007 | EXAMINER ADDY, ANTHONY S | |
| | | | ART UNIT 2617 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/624,166 | LAKKALA, HARRI |
| | Examiner | Art Unit |
| | Anthony S. Addy | 2617 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 February 2007.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-37 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-37 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application
6) Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 21, 2007 has been entered. **Claims 1-37** are pending in the present application.

Response to Arguments

2. Applicant's arguments filed on February 21, 2007 have been fully considered but they are not persuasive.

With respect to applicant's argument that, "neither Sakai nor Skinner teaches constituting contact attempts from both unanswered call data and messages relating to unanswered call data which both refer to the same caller (see page 8, third paragraph and page 9, third paragraph of the response)," by arguing that, Skinner does not teach messages relating to unanswered calls are included in a list of contact attempts constituted by a control unit (see page 8, second paragraph of the response)," examiner respectfully clarifies the teachings of Skinner are specifically being incorporated to teach "messages relating to received unanswered calls and to constitute contact attempts including both the received unanswered call data and the messages relating to the

received unanswered calls" which in combination with the teachings of Sakai meets the limitations of "a control unit configured to save received unanswered call data and messages relating to received unanswered calls and to constitute contact attempts including both the received unanswered call data and the messages relating to the received unanswered calls," since Sakai teaches the CPU [i.e. reads on a control unit] stores caller information in a storage unit, distinguishing caller information of responded calls from caller information of missed not responded calls [i.e. reads on an unanswered call] (see p. 5 [0092]). Examiner further reiterates that Sakai further teaches the caller information includes a caller's name, phone number, and image data to identify a missed caller [i.e. reads on received unanswered call data and messages and constitute a contact attempt] (see p. 5 [0097]), which in combination with the teachings of Skinner that, if a terminating telephone is unavailable, i.e. situations in which the subscriber does not actually receive or answer an incoming call and converse with the caller, or situations where the terminating telephone is busy or idle, where the subscriber is ignoring the incoming call, and other like situations, a customized SMS message is received at the terminating telephone device and displayed to identify the missed caller [e.g. an example message could read "CALL YOUR WIFE AT 555-1234, which reads on messages relating to received unanswered calls and to constitute contact attempts from the messages relating to the received unanswered calls] (see Skinner, col. 2, line 57 through col. 3, line 2, col. 3, line 61 through col. 4, line 34 and col. 6, lines 14-20). One of ordinary skill in the art further recognizes that is very well known in that art that during a missed call a mobile phone control unit automatically fetches a name for a

caller present from a phonebook or when the caller is not recognized from the phonebook, a telephone number of the incoming caller is displayed, therefore it is clear Sakai in view of Skinner meets the claimed limitations of "a control unit configured to save received unanswered call data and messages relating to received unanswered calls to constitute contact attempts including both the received unanswered call data and the messages relating to the received unanswered calls" since the control unit of the terminating telephone in Skinner's example above would fetch the name or identity of the subscriber's wife from the phonebook and display **both** the name/identity **and** the message related to the received unanswered call which both refer to the **same caller** (i.e. the wife) and constitutes a contact attempt.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both references are in the same field of endeavor as applicant's instant invention, both references are directed to the field of presenting missed call attempts to a subscriber terminal and the motivation for combining was clearly stated by the examiner from the teachings of Skinner. The motivation to enable a subscriber screening calls due to an insufficient identification of an originator or an unavailable subscriber to decide whether to accept a

call from an originator or respond at a later time as per the teachings of Skinner (see col. 4, line 35 through col. 5, line 16). Furthermore it has been held that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the present application, applicant's arguments are based on considering each reference individually while the rejection is based on both references, hence the rejections using the combination of Sakai and Skinner are proper and maintained as repeated below.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sakai et al., U.S. Publication Number 2003/0100295 A1 (hereinafter Sakai)** and further in view of **Skinner et al., U.S. Patent Number 6,529,737 (hereinafter Skinner)**.

Regarding claims 1 and 9, Sakai teaches a subscriber terminal for a radio system (see paragraph 0063, line 1 through paragraph 0064, line 4 and Figures 1 & 9), comprising: a transceiver configured to receive calls and messages (see paragraph 0084, lines 1-14 and Fig. 1; where a reception unit 3, transmission unit 4 and duplexer 2 constituting a transceiver are shown); a control unit connected to the transceiver configured to save received unanswered call data relating to received unanswered calls, and to constitute contact attempts, the received unanswered call data relating to the

received unanswered calls (see paragraph 0086, line 1 through paragraph 0087, line 10, paragraph 0092, line 1-20 [i.e. the caller information reads on saved received unanswered call data and messages relating to received unanswered calls and constitute a contact attempt, since Sakai teaches the caller information includes ID information of the caller, caller's name, phone number, and image data to identify a missed caller and the caller information is stored in a storage unit by the CPU as a missed calls list] and Fig. 10; where CPU 5 is shown coupled to reception unit 3 and transmission unit 4); and a user interface connected to the control unit configured to present the contact attempts (see paragraph 0091, lines 1-4 and Fig. 1; where a display unit 9, speaker 6 and microphone 7 constituting a user interface are shown connected to CPU 5).

Sakai fails to explicitly teach a control unit configured to save messages relating to received unanswered calls to constitute contact attempts including both the received unanswered call data and the messages relating to the received unanswered calls, and wherein the message comprises a text message.

Skinner, however, teaches an apparatus and method for enabling the originator of a telephone call to send a customized message or signal to an unavailable telephony subscriber, wherein the originator can form a customized short message including the originator's telephone number to be sent to the subscriber's telephone (see col. 3, line 61 through col. 4, line 34). According to Skinner, if for instance the subscriber is screening calls due to an insufficient identification of the originator, by using the short message service, the originator is then able to customize a message that is sent to the

subscriber and once the message is displayed to the subscriber, the subscriber can then decide whether to accept the call from the originator or respond at a later time (see col. 4, line 35 through col. 5, line 16 and col. 2, line 57 through col. 3, line 7 [e.g. an example message could read "CALL YOUR WIFE AT 555-1234, which reads on messages relating to received unanswered calls which in combination with the teachings of Sakai as explained above in *response to arguments*, meets the claimed limitations of "messages relating to received unanswered calls to constitute contact attempts including both the received unanswered call data and the messages relating to the received unanswered calls, and wherein the message comprises a text message"]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Sakai with Skinner to include a control unit configured save messages relating to unanswered calls to constitute contact attempts from the messages relating to unanswered calls, and wherein the message comprises a text message, in order to enable a subscriber screening calls due to an insufficient identification of an originator or an unavailable subscriber to decide whether to accept a call from an originator or respond at a later time as per the teachings of Skinner (see col. 4, line 35 through col. 5, line 16).

Regarding claim 2, Sakai in view of Skinner teaches all the limitations of claim 1. Sakai in view of Skinner further teaches (as taught by Skinner), wherein for the constitution of the contact attempts the control unit is configured to combine together such unanswered call data and such a message relating to an unanswered call which

both refer to the same caller (see col. 2, lines 57 through col. 3, line 2, col. 4, lines 18-34 and *response to arguments above*).

Regarding claim 3, Sakai in view of Skinner teaches all the limitations of claim 2. Sakai in view of Skinner further teaches (as taught by Skinner), wherein the control unit is configured to find a reference to the same caller if both the unanswered call data and the message relating to the unanswered call both contain the same caller identifier (see col. 2, lines 57 through col. 3, line 2, and col. 4, lines 18-34).

Regarding claims 10 and 18, Sakai teaches an arrangement for presenting contact attempts to a subscriber of a radio system (see paragraph 0063, line 1 through paragraph 0064, line 4 and Figures 1 & 9), comprising: receiving means for receiving calls and messages (see paragraph 0084, lines 1-14 and Fig. 1; where a reception unit 3, antenna 1 and duplexer 2 constituting receiving means are shown); saving means for saving received unanswered call data relating to received unanswered calls (see paragraph 0092, lines 1-6 and Fig. 1; where a storage unit 8 is shown for storing information, such as a missed call lists [i.e. the caller information reads on saved received unanswered call data and messages and constitute a contact attempt, since Sakai teaches the caller information includes ID information of the caller, caller's name, phone number, and image data to identify a missed caller and the caller information is stored in a storage unit by the CPU as a missed calls list]); constituting means for constituting contact attempts, the received unanswered call data relating to the received unanswered calls (see paragraph 0028, lines 1-10, paragraph 0092, lines 1-15 and Figures 5 & 11); and presenting means for presenting the contact attempts (see

paragraph 0091, lines 1-4, paragraph 0099, lines 1-11, Fig. 1; where a display unit 9 for displaying caller information is shown and Fig. 4; showing a missed call screen as presented on display unit 9).

Sakai fails to explicitly teach saving messages relating to received unanswered calls to constitute contact attempts including both the received unanswered call data and the messages relating to the received unanswered calls, and wherein the message comprises a text message.

Skinner, however, teaches an apparatus and method for enabling the originator of a telephone call to send a customized message or signal to an unavailable telephony subscriber, wherein the originator can form a customized short message including the originator's telephone number to be sent to the subscriber's telephone (see col. 3, line 61 through col. 4, line 34). According to Skinner, if for instance the subscriber is screening calls due to an insufficient identification of the originator, by using the short message service, the originator is then able to customize a message that is sent to the subscriber and once the message is displayed to the subscriber, the subscriber can then decide whether to accept the call from the originator or respond at a later time (see col. 4, line 35 through col. 5, line 16 and col. 2, line 57 through col. 3, line 7 [e.g. an example message could read "CALL YOUR WIFE AT 555-1234, which reads on messages relating to received unanswered calls which in combination with the teachings of Sakai as explained above in *response to arguments*, meets the claimed limitations of "messages relating to received unanswered calls to constitute contact attempts including both the received unanswered call data and the messages

relating to the received unanswered calls, and wherein the message comprises a text message"").

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Sakai with Skinner to include saving messages relating to received unanswered calls to constitute contact attempts including both the received unanswered call data and the messages relating to the received unanswered calls, and wherein the message comprises a text message, in order to enable a subscriber screening calls due to an insufficient identification of an originator or an unavailable subscriber to decide whether to accept a call from an originator or respond at a later time as per the teachings of Skinner (see col. 4, line 35 through col. 5, line 16).

Regarding claim 11, Sakai in view of Skinner teaches all the limitations of claim 10. Sakai in view of Skinner further teaches (as taught by Skinner), wherein for the constitution of the contact attempts the control unit is configured to combine together such unanswered call data and such a message relating to an unanswered call which both refer to the same caller (see col. 2, lines 57 through col. 3, line 2, col. 4, lines 18-34 and *response to arguments above*).

Regarding claim 12, Sakai in view of Skinner teaches all the limitations of claim 11. Sakai in view of Skinner further teaches (as taught by Skinner), wherein the control unit is configured to find a reference to the same caller if both the unanswered call data and the message relating to the unanswered call both contain the same caller identifier (see col. 2, lines 57 through col. 3, line 2, and col. 4, lines 18-34).

Regarding claims 19, 27, 28 and 36, Sakai teaches a computer program distribution medium readable by a computer and encoding a computer program of instructions for executing a computer process and a method for presenting contact attempts to a subscriber terminal of a radio system (see paragraph 0005, lines 1-15, paragraph 0086, line 1 through paragraph 0087, line 10 and Figures 4 & 10), comprising: receiving calls and messages (see paragraph 0084, lines 1-10 and paragraph 6-11 and Figures 4 & 6-8); saving unanswered call data relating to unanswered calls (see paragraph 0092, lines 1-6 and Fig. 1; where a storage unit 8 is shown for storing information, such as a missed call lists); constituting contact attempts, the received unanswered call data relating to the received unanswered calls (see paragraph 0028, lines 1-10, paragraph 0092, lines 1-15 and Figures 5 & 11); and presenting the contact attempts with a user interface of the subscriber terminal (see paragraph 0091, lines 1-4, paragraph 0099, lines 1-11, and Fig. 4; shows a missed call screen as presented on display unit 9).

Sakai fails to explicitly teach saving messages relating to received unanswered calls to constitute contact attempts including both the received unanswered call data and the messages relating to the received unanswered calls, and wherein the message comprises a text message.

Skinner, however, teaches an apparatus and method for enabling the originator of a telephone call to send a customized message or signal to an unavailable telephony subscriber, wherein the originator can form a customized short message including the originator's telephone number to be sent to the subscriber's telephone (see col. 3, line

61 through col. 4, line 34). According to Skinner, if for instance the subscriber is screening calls due to an insufficient identification of the originator, by using the short message service, the originator is then able to customize a message that is sent to the subscriber and once the message is displayed to the subscriber, the subscriber can then decide whether to accept the call from the originator or respond at a later time (see col. 4, line 35 through col. 5, line 16 and col. 2, line 57 through col. 3, line 7 [e.g. an example message could read "CALL YOUR WIFE AT 555-1234, which reads on messages relating to received unanswered calls which in combination with the teachings of Sakai as explained above in *response to arguments*, meets the claimed limitations of "messages relating to received unanswered calls to constitute contact attempts including both the received unanswered call data and the messages relating to the received unanswered calls, and wherein the message comprises a text message"]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Sakai with Skinner to include saving messages relating to received unanswered calls to constitute contact attempts including both the received unanswered call data and the messages relating to the received unanswered calls, and wherein the message comprises a text message, in order to enable a subscriber screening calls due to an insufficient identification of an originator or an unavailable subscriber to decide whether to accept a call from an originator or respond at a later time as per the teachings of Skinner (see col. 4, line 35 through col. 5, line 16).

Regarding claims 20 and 29, Sakai in view of Skinner teaches all the limitations of claims 19 and 28. Sakai in view of Skinner further teaches (as taught by Skinner), wherein for the constitution of the contact attempts the control unit is configured to combine together such unanswered call data and such a message relating to an unanswered call which both refer to the same caller (see col. 2, lines 57 through col. 3, line 2, col. 4, lines 18-34 and *response to arguments above*).

Regarding claims 21 and 30, Sakai in view of Skinner teaches all the limitations of claims 20 and 29. Sakai in view of Skinner further teaches (as taught by Skinner), wherein the control unit is configured to find a reference to the same caller if both the unanswered call data and the message relating to the unanswered call both contain the same caller identifier (see col. 2, lines 57 through col. 3, line 2, and col. 4, lines 18-34).

Regarding claims 4,13, 22 and 31, Sakai in view of Skinner teaches all the limitations of claims 1,10, 19 and 28. In addition, Sakai teaches a subscriber terminal, program, method and arrangement, wherein the control unit is configured to display in the user interface the contact attempts as a list of contact attempts (see paragraph 0143, lines 6-13, paragraph 0159, lines 3-8, paragraph 0011, lines 1-15, Figures 4 & 8; see screen 44 and Fig. 11).

Regarding claims 5,14, 23 and 32, Sakai in view of Skinner teaches all the limitations of claims 4,13, 22 and 31. In addition, Sakai teaches a subscriber terminal, program, method and arrangement, wherein the control unit is configured to display the list of contact attempts as a list of callers (see paragraph 0143, lines 6-13, paragraph 0159, lines 3-8, paragraph 0011, lines 1-15, Figures 4 & 8; see screen 44 and Fig. 11).

Regarding claims 6,15, 24 and 33, Sakai in view of Skinner teaches all the limitations of claims 1,10, 19 and 28. In addition, Sakai teaches a subscriber terminal, program, method and arrangement, wherein the control unit is configured to receive a selection regarding a contact attempt from the user interface and to display the selected contact attempt in more detail in the user interface (see paragraph 0169, lines 1-11, paragraph 0157, lines 1-8, paragraph 0160, lines 1-7 and Fig. 8).

Regarding claims 7,16, 25 and 34, Sakai in view of Skinner teaches all the limitations of claims 1,10, 19 and 28. In addition, Sakai teaches a subscriber terminal, program, method and arrangement, wherein the control unit is configured to fetch a name of the caller present in the contact attempts from a phonebook and to display the name of the caller in the user interface (see paragraph 0160, lines 1-7, paragraph 0086, lines 1-9 and Fig. 8).

Regarding claims 8,17, 26 and 35, Sakai in view of Skinner teaches all the limitations of claims 1,10, 19 and 28. In addition, Sakai teaches a subscriber terminal, program, method and arrangement, wherein the control unit is configured to display in the user interface a selection mechanism, which, when selected, makes a contact to a caller of the selected contact attempt (see paragraph 0160, lines 1-7 and Fig. 8).

Regarding claim 37, Sakai in view of Skinner teaches all the limitations of claim 28. In addition, Sakai teaches a computer distribution medium, the distribution medium comprising a computer readable medium, a program storage medium, a record medium, a computer readable memory, a computer readable software distribution

package, a computer readable telecommunication signal, and a computer readable compressed software package (see paragraph 0005, lines 1-15 and Fig. 10).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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